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Sent Via E-mail: spitznick@tds.net

Jeffrey Spritzer-Resnick
Systems Change Consulting, LLC
430 Sidney Street
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Re: Milwaukee Montessori School and James LaRoque

Dear Jeff:

Thank you for the meeting on Tuesday, October 12, 2021 with you and the parents of James LaRoque. During said meeting, your clients presented the following documents:

1. Note from Dr. Sharyl G. Paley, James' pediatrician, in which she states she has "a working diagnosis of ADHD and generalized anxiety disorder."
2. A "504 Plan – Draft" authored by James' mother, Emily Mazzulla, containing a self-diagnosis for James of "ADHD; Anxiety Disorder", setting forth "504 Team Members", and containing 48 separate requested "accommodations" for James.
3. A document titled, "Section 504 Sample Accommodations and Modifications" (self-explanatory).
4. An article titled, "Helping Children with Attentional Challenges in the Montessori Classroom: Introduction," by Catherine Nehring Massie, which explains that severe cases of hyperactivity and inattentiveness are beyond the capabilities of the Montessori school program.

We have reviewed all the materials and considered the requests of the parents.

Before discussing what MMS is willing to do in this case, I am going to remind you that the ADA does not apply to MMS in this situation. For the reasons set forth in my October 8, 2021 letter, Title II of the ADA is wholly inapplicable to a private school like MMS. Title III of the ADA is applicable to MMS, but, addresses physical access to a place of public accommodation and, as such, is not applicable to this situation.

Similarly, Section 504 does not apply to MMS. Even if it did apply, it would only require MMS to consider “minor adjustments” for James and would only apply if James had received a formal diagnosis of a disability. You have presented no such diagnosis.

Therefore, at this time, MMS has absolutely no obligation to make any adjustments for James, who presents as nothing more than a very active child who fails and/or refuses to follow the MMS rules and procedures. Nevertheless, as I have previously noted, MMS is an exceptional school. Regardless of the utter lack of legal obligation, MMS desires to explore possible avenues for providing an education to all children, to the extent it is able to provide said services. To that end, despite no legal requirement to do so, MMS has considered the documentation presented above and is willing to take the steps outlined in this letter in an attempt to assist James.

Before getting into the details regarding said steps, we need to address what appears to be a fundamental misunderstanding of the typical day for an MMS second grade student. Based on the comments from your clients and the documentation presented, it appears your clients believe James is in what I would refer to as a “typical” classroom setting, in which students sit in rows of desks facing the front of the classroom. Your clients have made comments such as “place James’ desk closer to the teacher,” “move James to the front of the classroom,” “give James the opportunity to stand and/or move around,” “place sticky-notes on James’ desk,” “allow James to have helper duties,” and “permit James to have mental breaks.” This all suggests James is in the aforementioned “typical” classroom. It also assumes the MMS setting does not employ the majority of the “techniques” identified in the “504 Plan – Draft”. In fact, many of the “techniques” listed have been and continue to be routinely implemented in the regular daily routine in all of James’ academic lessons and co-curricula classes. Therefore, we wish to correct that misunderstanding that he is in a traditional school setting.

1. The MMS Classroom

MMS students are organized into mixed-grade groups, i.e., first, second, and third-grade students are combined in one classroom. Students in grades 1 through 3 have the same teacher for all three years.

Lessons are taught in small groups in accordance with student levels of mastery. For example, some advanced students in second grade will have lessons with third grade students, while some second-year students may have review lessons, or simply require lessons with first-year students.

The Montessori approach to educating children is grounded in the child’s ability to attend classes and focus on lessons. In a Montessori school, attention is the prerequisite and the foundation for all learning. Work stamina, attention and focus, the ability to delay gratification, and lack of impulse actions are all self-regulation behaviors that children develop naturally and with practice. MMS does not “explicitly teach executive functioning strategies in the classroom,” as these are behaviors that are developmentally innate in children and merely honed and refined by MMS. Attention and focus, making eye contact and listening in lessons, following multi-part instructions, using Montessori materials to complete tasks, and being able to sustain concentration long enough to complete teacher follow-up work is something students are able to do with relative ease at MMS even at three years old. By the time an MMS student is in Lower Elementary, or in second grade, he or she can work on his/her own for at least 15 consecutive minutes. In most cases, an MMS student at that age can complete research, book reports,

math problems, maps, geography work, or cultural projects for 40 to 60 consecutive minutes without prompts and cues from an adult. Lower Elementary MMS students rarely if ever interrupt a teacher for help especially when that teacher is performing a lesson. Students will however go to the assistant, or to other children if they need help, and show a considerable amount of independence and problem solving ability.

James requires undivided, individual, full-time attention of a teacher. When not engaged one-on-one, James interrupts the lessons being given to other groups of students and yells across the room at his teacher while she is in the middle of instruction. For example, “Mrs. Arora, where is my report page?” In another instance, a fellow student got up to help James and show him that his work was in his drawer, where it is always located. At 8:58 a.m. that same day, James got up to ask his teacher, “How many more minutes until recess?” and repeated that question six to eight times in the morning. At the end of the day, James will routinely interrupt instruction by asking his teacher six to eight times when dismissal starts, even while she is in the middle of working with and/or instructing other children.

Ours is a mastery-based curriculum that is on a three to six-year continuum. Teachers who receive Montessori training are equipped to give academic lessons in Mathematics, Geometry, Botany, Geography, Reading, and Writing Composition from the first through the sixth grade. This means teachers have the flexibility to advance students as they master concepts. Students do not take quizzes or tests on a teacher’s timetable, they are never given a C grade and then forced to move ahead with the rest of the class regardless of their lack of understanding or need for more lessons to master the concept. In a Montessori School, students only advance when they have mastered concepts and can use that knowledge and skills to learn more difficult concepts. There is an efficiency in mastery-based learning because students do move forward faster, especially in mathematics, reading and writing when they do not have holes in their learning. Providing students with “just in time,” lessons, those lessons that are not too hard, but not too easy is what attracts, and sustains a student’s attention. Follow-up lessons, those tasks that students are expected to complete after a teacher gives a lesson demands concentrated work and students maintain concentration for 20 to 60 minutes to complete tasks. The struggle for James is his inability to concentrate for more than a minute at a time. Not often or ever do we see sustained five-minute periods of concentrated work from James.

Autonomy and independence are essential for learning in the MMS environment. While class sizes are large, lesson sizes are small. Because students are each at their own level of mastery, teachers group their lessons on the basis of what children know, and their individual trajectory. As an example, a math lesson may have three to five students in it. Each student has individualized “follow-up work,” or tasks he/she is expected to complete independently after the teacher gives the lesson. Typically, a teacher will show expectations, stay long enough to be certain children can complete the task independently, then will move on to another lesson with other students. Lesson time is often 10 to 15 minutes long; so in a three-hour period, a Montessori teacher can give as many as 15 lessons to children. But, at the end of every lesson, and once the teacher has checked to see that students can complete the follow-up work, the teacher will get up and move to another group, expecting students have the understanding and independence, and autonomy to complete the work from the lesson without direct adult supervision.

There are no assigned desks in MMS classrooms. Students sit at different tables and with various classmates throughout the day. Between lessons, teachers circulate throughout the room, observing the

students' progress. Teachers offer support before moving on to introduce new material to another group of children. Teachers may give full class lessons or demonstrations, or read a book to the entire group, but this is for short periods of time and this generally happens once a day.

In a Montessori classroom, there is considerable freedom of movement. Students get up from their seats sometimes to sit alone and work on a task or work on a group task, sometimes to get supplies from their drawers, to switch tasks, from say completing a book report, to completing their math problems. They are free to get a drink, go to the bathroom, eat a snack, all without teacher permission. There is movement within the classroom, all day. However, all students will sit and complete their tasks or are able to sit and concentrate for 20 to 60 minutes of time and are able to complete tasks, have them checked, and move on to other work.

Once again, James appears to require full-time one-on-one individual attention. James has demonstrated an inability to sit and concentrate on a single task, independently, for more than a minute at a time. Even when placed in an assigned seat next to his teacher, James has demonstrated an inability to remain in his seat for more than a one to three consecutive minutes before he stands up to look out the window, take a mask break, take a water break etc. The additional challenge is that, when taking these "breaks," James will routinely interfere with the educational instruction of other students in the classroom, as described above.

When James is one of the students receiving a group demonstration he is often unable to remain in his seat to listen to the full instruction. James is known to blurt out random answers, start singing, leave the room for the bathroom, bang on the table, jump from his seat, touch teacher's items, touch books and materials on the shelves behind him, get up to blow his nose, wash his hands, and in one instance that we discussed with his parents, James did not even go back to the rug where he was sitting but stood behind the teacher while the teacher was attempting to instruct the full group and thus, disrupted the delivery of instruction.

As you can see above, James is never forced into a "typical" classroom environment, which presents significant restrictions. James is already afforded autonomy, freedom of movement, the ability to take breaks, the ability to stand and move around, and the ability to reset, when needed.

2. Incorporation of the Techniques Set forth in the Materials Presented

Focusing on the "Classroom Accommodations" section in the "504 Plan – Draft," it becomes clear MMS is incorporating and will continue to incorporate most of those "strategies" or "accommodations" in order to assist James.

Teachers give lessons to introduce new concepts, but also give lessons to reintroduce concepts and provide much-needed repetition of skills and concepts. [#2. "*James requires repeated exposure to material and repetition of instructions.*"]. Follow-up work is always provided, explained, and the teacher stays with her lesson group to check for understanding and make sure students can complete their tasks independently before she leaves them to work with other children. Lessons are short, repetitive, and specific to each child's progress and understanding. Faculty typically provide timeframes for completion of follow-up work and circle back to students or rely on the assistant teacher to check in with students to determine whether they are completing follow-up lesson work within 20 to 60 minutes.

Lessons are short [#1. *James' on-task behavior in the classroom will improve if he is presented with small chunks of auditory information at a time (e.g., one instruction or prompt at a time).*] and repetitive [#2]. Teachers provide sample problems, sample works, sample outcomes during every lesson and teachers check for understanding in every lesson [#3. *Check for Understanding*; #9. *Discrete Check-Ins*], in every subject before leaving students for independent completion of the assignment. Teachers also provide students with timeframes and give students additional time to complete works entirely and correctly. [#6. *"James needs additional time to learn all concepts."*]. This is standard for our classroom teachers, and specialist teachers (Art, Music, Spanish, Athletics).

In the case of James, additional time to complete assignments is always provided. However, James cannot execute any assignment without direct teacher oversight and supervision throughout the entire process. In the conference with the parents, MMS gave examples of the volume of work completed by a typical 2nd-grade student during a 2 week period compared to the amount completed by James. Even with additional time and dedicated assistance, James completes about 25% of what is expected. Most assignments are not even started. He frequently destroys the assignment with scribbling and/or poking holes in the paper (sometimes even poking holes in his own shirt with his pencil). In a lesson where the Spanish teacher was asking a small group of children to follow along and draw three columns for their words, James broke his pencil, insisted he needed a ruler, scribbled on his paper, and interrupted with repeated questions – "My pencil broke can I get a different pencil? Can I go to the bathroom?"

During our meeting, Dr. Mazzulla stated something to the effect of the following: We need to have someone come in to set reasonable expectations for the amount of work to be produced by James. In other words, Dr. Mazzulla very clearly stated the expectation that James would be held to a different standard when it comes to volume of work to be produced. As you are well aware, reducing expectations regarding the amount of work to be completed by a student is something that we might see in an IEP for a student who struggles with concentration and focus on academic work. Reducing the expected volume of work from James is not a "minor adjustment" under Section 504 and is well beyond what might be provided to a student who qualified under Section 504.

Again, what Dr. Mazzulla is specifically requesting is something that might be included in an Individualized Educational Plan for a student who has an educational disability and needs modifications to the curriculum because of difficulty attending to lessons and follow-up work.. She is asking for special education services for James. If that is what is truly being sought by the parents, then we will refer James to his home school district for an evaluation.

To reduce visual input [#4] James' teacher hand writes his individual math problems in a booklet and also prints out fewer problems on a math page for him each day. While the other students in the class can complete three sheets of math fact practice with 25 problems on a page within 20 minutes, James was given three separate sheets with 8 problems on each page. However, he still struggled to complete these three sheets and needed to make corrections to a third of the problems. In one example provided to the parents in their conference James was given a one-on-one lesson on simple multiplication, was seated next to his teacher, while using a Montessori material where he could count 7×1 , 7×3 , 7×6 . Even while seated next to a teacher, providing direct oversight, prompts and cues, and repetitive one-part instructions, "Now take the bead of seven four times, good." "Ok, now count the beads," as well as positive reinforcement, it took James close to two hours to complete the set of eight equations. [#1 Short,

concise information; #2 Repetition. #3 Check for Understanding; #4 Reduced visual input; #6 Additional Time; #7 Positive Reinforcement; #11 Intentional Seating/Learning Space; #12 Visual Cues; #15 Teachers need to help James chunk larger tasks into small, more manageable parts.]. During this time, James wrote random numbers, interrupted his teacher every few minutes asking, “Is 37 the answer? Is 17 the answer?”

James has the freedom to take his own breaks and to move around on his own. [*#13 Movement Breaks*]. However, James is disruptive to other children, walking over to them and interrupting their concentration, talking about boy scouts, rock bands, his sleepovers, asking to use their materials (that he does not need), and negatively impacts other student’s learning and work completion. His disruption is so consistent that students have complained to faculty that he has stepped on their assignments, poked holes in their work, or has simply distracted them and when asked to leave he has laughed at them and made noises.

James is well aware of the Five School Rules as they are prominently displayed in class, and classroom procedures are routinely practiced in the academic and specialist classrooms. [*#16 Daily Reminder Tools*]. When James needs to be reminded of a procedure all faculty pull him aside and remind him of the procedure or the school rule. [*#2 Repetition; #5 Give Examples; #10 Discreet Prompts; #12 Visual Cues; #16 Daily Reminder Tools*]. Despite daily and frequent one on one reminders from faculty in all areas of the school, after eight weeks, James has not internalized or generalized procedures or rules even when they are modeled by his classmates.

3. Executive Functioning Support

As to those items in the “504 Plan – Draft” regarding “Executive Functioning Support”:

- a. Attention and focus strategies (e.g., taking breaks, providing cues for attendance on desk, fidget items, doodling).

As mentioned above, James is able to take breaks whenever he wants in class, and in fact, does so way too often requiring faculty to tell him it is time to get back to his work. He and other students are not confined to or required to sit at a desk as they might be in a traditional school.

The issue with James is, he takes the ability to take breaks and move about the classroom too far and when he does, he is most often disruptive to other children, and frequently interrupts his teacher, even budging the line where children are waiting to have a teacher review their complete tasks.

- b. Organization and planning strategies (e.g., visual schedule on desk, notebook for writing ideas to return to later).

Students are given lessons and procedures for how to finish, prompts and cues from teachers who are always checking in, steps are written on a whiteboard (in Art and Spanish), and told, “If you cannot remember what to do I have written the instructions here.” Despite this, James gets up incessantly, touches other people’s artwork that is sitting out, touches items in his teachers’ areas without permission.

c. Working memory strategies and Time awareness/time management strategies.

In art, James rushes through his work just to get it done. He is reminded and prompted of the time he has left to complete his work. In Art, he completes the work but is careless and does not seem to care about the outcome. According to the teacher, “He likes art, but he is not concerned with the outcome or detail of his work. Often rushes through his work and prohibits his ability to fine-tune, and does not want to go back to fix work.”

In class, he is seated near a teacher so that he remains on task and needs prompts and cues to do so.

d. Self-monitoring strategies (e.g., editing checklists, self-reflection activities, time for transition.

James does not have the ability to monitor his own behavior, he needs constant prompts and cues from adults and at times, other students. When asked whether James can work on his own, his teacher replied, “Maybe for four minutes but he does not have the impulse control to use a checklist.”

4. Classroom Reassignment

You have asked for James to be reassigned to Catherine Lee’s classroom. Before any decision was made, Ms. Lee asked to observe James in his current class. Regarding said observation, Ms. Lee commented as follows:

I observed him for one full hour and in that time I saw him do less than 10 minutes of work. I was taking minute-by-minute notes and 45 seconds would pass during which he simply turns in his chair. James works for 30 seconds and gets up to clean his water bottle for almost 10 minutes. Then he went back to his chair and worked for another 40 seconds and gets up to see what his friends are doing at another table, tries to take some card or research material from them that he decided he needed (but did not), and then scratched another child on the face with a pencil, sat down again and got up to get his headphones. Mrs. Arora, his teacher said you don’t need your headphones, he ignored her and sat down wearing them anyway. Repeat that cycle ten times and you have the idea. He worked for another minute, then got up, went to his drawer, got a ruler (which he didn’t need for his work), sharpened a pencil, went back to the table to his friends, say he didn’t mean to scratch his friends face... it was an endless triangulation of moving around. He completed four sentences of his president research report. All of the information he needed was at his table, the book his paper, pencil, eraser. There was no need to get up at all, ever. But he just does not want to do the work.

Ms. Lee reviewed the “Classroom Accommodations” provided in the “504 Plan – Draft” and verified that most of those strategies were already put in place. She specifically observed several of the incidents reflected earlier in this letter. Ms. Lee appreciates the desire of the parents to try a new environment but feels her additional class size makes such a request infeasible. As such, James will not be transferred to another classroom.

5. Plan for James

As set forth above, an exceptional amount of time and effort has gone into incorporating a plethora of techniques to assist James. Most have not been effective. In addition, many of the items in the “504 Plan – Draft” cross over from “minor adjustments” and constitute aids and services that might be included in an individualized educational plan designed specifically for James and based on his needs. Other items in the “504 Plan – Draft” require individual instruction in a one-on-one setting. MMS is not required to provide these types of special education instruction and services and, more importantly, is not in a position to be able to offer such services.

Nevertheless, MMS is willing to put in place a plan for ascertaining the feasibility of James’ continuation at MMS. The strategies listed above, as well as additional feasible strategies set forth in the materials provided, will be employed for the two-week period commencing on Monday, October 18 and ending on Friday, October 29, 2021. During this period, all teachers will record the efforts used with regard to James and the results of those efforts, including a summary of James’ behavior.

After the first week, MMS reserves the right to bring in an outside expert to observe and evaluate James during the second week period. His parents are expected to provide consent for any such observation. In the event consent for the observation is not provided, this plan will be terminated immediately.

Unless ended earlier, as specified above, at the end of this two-week period, MMS will assess the information provided by all teachers and make a determination whether continued enrollment is feasible. A report will be provided to the parent via communication from me to you.

As stated above, this plan will become effective on Monday, October 18, 2021. Should you have any questions regarding this plan, you may communicate them to me at your leisure.

Very truly yours,

Buelow Vetter Buikema Olson & Vliet, LLC



Joel S. Aziere

Cc: Monica Van Aken, Head of School
MMS Board of Trustees